

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt et al.)
Serial No.: 08/046,004)
Filed: April 9, 1993)
Title: PHOSPHATE-MOIETY LABELED NUCLEOTIDES)
Group Art Unit: 1807
Exam'r: Amelia Yarbrough,
Ph.D

June 23, 1994
575 Fifth Avenue (18th Floor)
New York, New York 10017

FILED BY EXPRESS MAIL

Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Box DAC

Attention: Office of Deputy Assistant Commissioner
for Patents
2121 Crystal Drive
Crystal Park 2 - Suite 913
Arlington, Virginia 22202

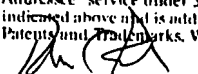
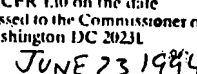
PETITION TO REVIVE
AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. §1.137(b)

Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application which was unintentionally abandoned.

The above-identified application became unintentionally abandoned after December 18, 1993, which was the date that a response to a November 18, 1993 Office Action was due. In the November 18, 1993 Office Action, the Examiner required an invention restriction and election of species, setting a thirty (30) day shortened statutory period for response. Subsequently, a Notice of Abandonment was mailed on June 13, 1994 in view of Applicants' failure to respond timely to the November 18, 1993 Office Action. A copy of the June 13, 1994 Notice of Abandonment is attached as Exhibit A.

Enz-5(D6)(C1)

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	EF414877403
Deposit Date	JUNE 23, 1994
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.	
 Ronald C. Fedus	 JUNE 23, 1994 Date

Dean L. Engelhardt et al.
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Page 2 (Petition to Revive an Unintentionally Abandoned Application
Under 37 C.F.R. §1.137(b) - June 23, 1994)

It is hereby requested that this application be revived because it was unintentionally abandoned and there was no intent to abandon the application. Submitted concurrently herewith and attached as Exhibit B is a response in the form of a Request For Reconsideration of Restriction Requirement (And Election of Species) Under 37 C.F.R. §1.143.

The fee for filing a Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b) is \$1,170.00 for other than a large entity. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite fee of \$1,170.00 set forth in 37 C.F.R. §1.17(m). The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition and to credit any overpayment thereto.

A duplicate copy of this Petition (with attached Exhibits A and B) is also submitted herewith.

Favorable action on this Petition is earnestly solicited.

If helpful to the processing of this Petition or the accompanying response to the restriction requirement and election of species, the undersigned may be contacted by telephone during the daytime hours at 212-856-0876.

Respectfully submitted,



Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

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575 Fifth Avenue (18th Floor)
New York, New York 10017
Tel. (212) 856-0876

Enz-5(D6)(C1)

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/046,004	04/09/93	ENGELHARDT	D ENZ5(D6)(C1)

RONALD C. FEDUS
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NEW YORK NY 10017

18N1/0613

YARBROUGH EXAMINER	
ART UNIT	PAPER NUMBER
1807	//

DATE MAILED: 06/13/94

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☒ Applicant's failure to respond to the Office letter, mailed Nov. 18, 1993.
- ☐ Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
- ☐ Applicant's failure to timely file the response received _____ within the period set in the Office letter.
- ☐ Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of _____ of the Notice of Allowance.
 - ☐ The issue fee was received on _____.
 - ☐ The issue fee has not been received in Allowed Files Branch as of _____.

In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17 (i), and a verified showing as to the causes of the delay.

If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of *Delgar Inc. v. Schuyler*, 172 U.S.P.Q. 513.
- ☐ Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by _____ as required in the last Office action.
 - ☐ The corrected and/or substitute drawings were received on _____.
- ☐ The reason(s) below.

AMELIA BURGESS YARBROUGH
PRIMARY EXAMINER
ART UNIT 487, PC7

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